

COHEN & GREEN

July 21, 2022

Honorable James R. Cho
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

By Electronic Filing.

Re: Case No. 21-CV-4903 (WFK) (JRC), Karnes, et al. v. City of New York, et al.

Dear Judge Cho:

I am co-counsel for Plaintiffs in the above-captioned matter — and as Your Honor likely recalls, in a number of other summer 2020 protest cases before this Court. I write jointly with counsel for Defendants for two reasons: (1) to request an adjournment of the discovery schedule and (2) pursuant to the Court’s March 15 minute order to request the Court convert the August 1 conference into a brief status conference or otherwise adjourn it. For the first issue, this is the first such request.

Without spending too much time on it, this case arises out of an NYPD enforcement action at a protest during the summer of 2020. A “sentinel case” on the policing during summer 2020 is pending before Judges McMahon and Gorenstein in the Southern District. *See* Order (Dkt. No. 528) at 2, *In re New York City Policing During Summer 2020 Demonstrations*, 20-cv-8924 (SDNY). Discovery on that docket has been extremely broad and the fact discovery deadline there has now been extended to March 2023. Given that the wide variety of discovery fights that might occur here are already being litigated there, the parties are optimistic they can achieve some efficiencies on *Monell* issues.

Beyond that, the parties are also optimistic about settlement, as we have previously discussed with the Court. Right now, one of the Plaintiffs — who suffered a traumatic brain injury — is undergoing a detailed work-up of those injuries, and Plaintiffs are otherwise preparing information Defendants need to properly evaluate Plaintiffs’ damages claims. Because of the very serious nature of the injuries, that is taking some time. Given all of that, the parties would ask the Court for a *sine die* discovery extension — and would like to set a control date instead (perhaps to be combined with a similar settlement/status date as the Court previously set).

Thus, on the settlement front, the parties would ask the Court to adjourn the current status/settlement conference set for August 1 for a date convenient for the Court in November. If the Court prefers, the parties are happy to appear on the first to discuss calendaring that date.

As always, we all thank you for your attention to this matter.



Respectfully submitted,

/s/

J. Remy Green

Honorific/Pronouns: Mx., they/their/them

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cc:

All relevant parties by ECF.